

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

HILDA L. SOLIS)	
Secretary of Labor,)	CIVIL ACTION
United States Department of Labor,)	NO.
200 Constitution Avenue, N.W.,)	
Washington, D.C. 20210)	
)	
Plaintiff,)	
)	
v.)	
)	
LOCAL 901, INTERNATIONAL)	
BROTHERHOOD OF TEAMSTERS,)	
352 Calle del Parque)	
Parada 23)	
San Juan, Puerto Rico 00912)	
)	
Defendant.)	

COMPLAINT

Plaintiff Hilda L. Solis, Secretary of Labor, alleges as follows:

NATURE OF THE ACTION

1. This action is brought under Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§ 481-84 (the "Act"), for a judgment declaring that the October 4, 2008, election of union officers conducted by Local 901, International Brotherhood of Teamsters (Defendant) for the offices of President, Vice President, and Trustee (3 positions) is void, and directing Defendant to conduct a new election for the offices of President, Vice President, and Trustee (3 positions) under Plaintiff's supervision, and for other appropriate relief.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 482(b), 28 U.S.C. § 1331, and 28 U.S.C. § 1345.

3. Venue lies in this district pursuant to 29 U.S.C. § 482(b) and 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff Hilda L. Solis is the duly appointed Secretary of Labor, United States Department of Labor. Plaintiff is authorized to bring this action under section 402(b) of Title IV of the Act, 29 U.S.C. § 482(b).

5. Defendant is, and at all times relevant to this action has been, an unincorporated association residing within the County of San Juan, Puerto Rico, within the jurisdiction of this district.

FACTUAL ALLEGATIONS

6. Defendant is, and at all times relevant to this action has been, a Local labor organization engaged in an industry affecting commerce within the meaning of sections 3(i), 3(j) and 401(b) of the Act (29 U.S.C. §§ 402(i), 402(j) and 481(b)).

7. Defendant, purporting to act pursuant to its Bylaws and the International Constitution, conducted an election of officers on October 4, 2008, and this election was subject to the provisions of Title IV of the Act (29 U.S.C. §§ 481-484).

8. By letter dated October 5, 2008, to the President, Joint Council 15, International Brotherhood of Teamsters (International), carbon copy to the International's General President and International's Legal Department sent by express mail and

facsimile on October 6, 2008, the Complainants, Maritza Quiara and Migdalia Magriz, members in good standing of Defendant, protested the October 3, 2008 election.

9. By letter dated October 15, 2008, to Quiara and Magriz, Joint Council No. 16 refused to act on the protest stating that Local 901 was not a part of Joint Council 16.

10. By letter dated October 21, 2008, addressed to General President of the International, Complainants appealed the Joint Council decision.

11. Having invoked the remedies available for three calendar months without receiving a final decision after invocation, the complainants filed their timely complaint with the Secretary of Labor on January 20, 2009, within the one calendar month required by section 402(a)(2) of the Act (29 U.S.C. § 482(a)(2)).

12. By letter signed February 18, 2009, the Defendant agreed that the time within which the Plaintiff may bring suit with respect to the Defendant's aforesaid election be extended to April 3, 2009.

13. By letter signed March 12, 2009, the Defendant agreed that the time within which the Plaintiff may bring suit with respect to the Defendant's aforesaid election be extended to April 10, 2009.

14. Pursuant to section 601 of the Act (29 U.S.C. § 521), and in accordance with section 402(b) of the Act (29 U.S.C. § 482(b)), the Plaintiff investigated the complaint and, as a result of the facts shown by her investigation, found probable cause to believe that: (1) violations of Title IV of the Act (29 U.S.C. §§ 481-484) had occurred in the conduct of the Defendant's October 4, 2008 election; and (2) that such violations had not been remedied at the time of the institution of this action.

CAUSE OF ACTION

15. Defendant violated section 401(c) of the Act, 29 U.S.C. § 481(c), during the conduct of the aforesaid election by failing to provide adequate safeguards to insure a fair election in that:

(a) the union failed to provide and publish polling sites and polling hours in a timely manner and allowed an incumbent officer and candidate for reelection to assume control of establishing polling sites and times;

(b) the Local engaged in disparate candidate treatment. The Local failed to timely provide insurgent candidates with adequate information regarding polling sites and hours while incumbent candidates developed and had access to this information;

(c) the Local failed to adequately safeguard blank ballots and ballot boxes by allowing candidates and observers from one slate and a member to have sole custody of blank ballots and ballot boxes and to unilaterally conduct aspects of the election;

(d) the Local failed to conduct the election at the scheduled times; and

(e) the Local failed to provide Complainant's observer access to a polling site.

16. The violations of section 401(c) of the Act, 29 U.S.C. § 481(c), may have affected the outcome of the Defendant's election for all contested offices, *i.e.*, the offices of President, Vice President, and Trustee (3 positions).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment:

(a) declaring the Defendant's election for all contested offices, *i.e.*, the offices of President, Vice President, and Trustee (3 positions) to be void;

(b) directing the Defendant to conduct a new election for all contested offices, *i.e.*, the offices of President, Vice President, and Trustee (3 positions) under the supervision of the Plaintiff;

(c) for the costs of this action; and

(d) for such other relief as may be appropriate.

Respectfully submitted,

MICHAEL F. HERTZ
Acting Assistant Attorney General

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